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FILED

JAN 18 2011

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
MODESTO DIVISION

In re) Case No. 11-90142-E-7
JOSHUA MICHAEL UPCHURCH,)
Debtor(s).)

ORDER ON FEE WAIVER APPLICATION

Upon consideration of the debtor(s) "Application for Waiver of the Chapter 7 Filing Fee or Other Fee,"

IT IS ORDERED THAT the application be:

[] DENIED because:

- The income reported on the debtor's application exceeds 150% of the U.S. Dept. of Health and Human Services' poverty guideline for a household of the size reported by the debtor in the application.
- The application does not specify the size of the debtor's household. In the absence of this information, the court presumes the debtor has a household of one person. The income reported on the debtor's application exceeds 150% of the U.S. Dept. of Health and Human Services' poverty guideline for a household of one.
- While the debtor's income is less than 150% of the U.S. Dept. of Health and Human Services' poverty guideline, according to the application the debtor has sufficient cash or money on deposit to pay the filing fee.
- The debtor has not filed a certificate regarding credit counseling with the petition as required by 11 U.S.C. § 109(h). Without such certificate the debtor is not eligible for chapter 7 relief.
- The debtor has failed to file the schedules and statements required by 11 U.S.C. § 521(a) within the time required by Fed. R. Bankr. P. 1007(c).
- The debtor has filed a chapter 13 petition. The filing fee may be waived only for a chapter 7 petition.

1 It is **FURTHER ORDERED** that the debtor shall pay the chapter 7 filing fee or other fee on
2 the following terms:

3 1. The debtor shall pay the filing or other fee of \$299 in the following installments:

4 \$75 on or before _____

5 \$75 on or before _____

6 \$75 on or before _____

7 \$74 on or before _____

8 2. Until the filing or other fee is paid in full, the debtor shall not make any additional
9 payment or transfer any additional property to an attorney, bankruptcy petition preparer, or any
10 other person, for services in connection with this case.

11 3. If the debtor fails to timely pay the filing or other fee in full or if the debtor fails to
12 timely make the above installment payments, the court may dismiss this case.

13 4. Payments shall be made by mail or in person at U.S. Bankruptcy Court, 1200 I
14 Street, Second Floor, Suite 4, Modesto, CA 95354. Do not send cash through the mail. No
15 personal checks will be accepted. Instead, use money orders or cashier's checks payable to
16 "Clerk, U.S. Bankruptcy Court." To insure proper credit, include the debtor's name, case number,
17 and the words "filing/other fee installment payment" on your money order or cashier's check.

18 **[X] SCHEDULED FOR HEARING.**

19 A hearing to consider the debtor(s) "Application for Waiver of the Chapter 7 Filing Fee or
20 Other Fee" shall be held on **February 9, 2011**, at **1:00 p.m.** at the United States Bankruptcy Court,
21 1200 I Street, Second Floor, Suite 4, Modesto, CA. IF THE DEBTOR(S) FAILS TO APPEAR AT
22 THE SCHEDULED HEARING, THE COURT MAY DEEM SUCH FAILURE TO BE THE
23 DEBTOR(S) CONSENT TO THE ENTRY OF AN ORDER DENYING THE FEE WAIVER
24 APPLICATION BY DEFAULT.

25 Dated: January 18, 2011

26 
RONALD H. SARGIS, Judge
United States Bankruptcy Court

This document does not constitute a certificate of service. The parties listed below will be served a separate copy of the attached document(s).

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